

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEFFREY JON FRAZER,)	No. CV-06-037-CI
)	
Plaintiff,)	ORDER ADOPTING REPORT AND
)	RECOMMENDATION TO DENY
v.)	PLAINTIFF'S MOTION TO
)	WITHDRAW CONSENT
MAGGIE MILLER-STOUT, HAROLD)	
CLARKE, and PATRICK McCARTHY,)	
)	
Defendants.)	

BEFORE THE COURT is Plaintiff's Motion to Withdraw Consent to proceed before a Magistrate Judge and the Report and Recommendation to Deny said motion (Ct. Recs. 61, 68). Plaintiff is proceeding *pro se*; Assistant Attorney General Mary Catherine McLachlan represents Defendants. The parties have previously consented to proceed before a magistrate judge. (Ct. Rec. 34). However, in light of Plaintiff's motion to withdraw that consent, this matter was addressed on Report and Recommendation.

Upon consent of the parties, a magistrate judge may conduct proceedings in a civil matter when designated to exercise such jurisdiction by the district court she serves. 28 U.S.C. 636(c)(1). On July 26, 2006, based on the signed consent of both parties to this action, the Court ordered the matter referred to Magistrate Judge Cynthia Imbrogno. (Ct. Rec. 34). Although a party has no right to withdraw his consent to proceed before a magistrate judge,

1 the Court may vacate its reference to a magistrate judge if the
2 moving party shows extraordinary circumstances. 28 U.S.C. §
3 636(c)(4); *Dixon v. Ylst*, 990 F.2d 478, 480 (9th Cir. 1993).
4 Plaintiff states that he was unaware he had the option of proceeding
5 before a United States District Judge. (Ct. Rec. 61). However, the
6 Consent to Proceed before a magistrate judge signed by Plaintiff
7 clearly states, "Pursuant to 28 U.S.C. § 636(c), the parties in the
8 captioned matter waive their right to proceed before a Judge of the
9 United States District Court" (Ct. Rec. 34). Plaintiff has
10 not shown "extraordinary circumstances" to warrant vacating the
11 Court's order of reference.

12 Magistrate Judge Imbrogno entered a Report and Recommendation
13 to deny Plaintiff's motion to withdraw his approval to proceed
14 before her on November 29, 2006 (Ct. Rec. 68). Plaintiff has not
15 filed any objections to the report and recommendation. Therefore,
16 the Court denies Plaintiff's Motion to Withdraw Approval to Proceed
17 before United States Magistrate Judge.

18 Accordingly, **IT IS HEREBY ORDERED** that the Report and
19 Recommendation (Ct. Rec. 68) is **ADOPTED** in its entirety.

20 **IT IS SO ORDERED.** The District Court Executive is directed to
21 enter this Order and forward copies to counsel.

22 DATED this 28th day of December, 2006.

23 *S/ Robert H. Whaley*

24 ROBERT H. WHALEY
25 UNITED STATES DISTRICT JUDGE

26 Q:\CIVIL\2006\Frazer\frazer.R&Rdenymotion.11-10.wpd
27
28